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ENVIRONMENTAL HEALTH SERVICES DEPARTMENT

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RESOURCE MANAGEMENT AGENCY

DAVID PRICE III, RMA DIRECTOR

Community and Economic Development Department
Engineering & Survey Services Department
Environmental Health Services Department
Planning Department
Roads Department

Notice and Order 813-06-01

H.M. Holloway Mines Landfill

SWIS No. 15-AA-0308

TO:

Arnold Johansen, President/CEO
H.M. Holloway Inc.
714 6th Street
Wasco, CA 93288

IN THE MATTER OF:

Operation of a Solid Waste Facility without a Solid Waste
Facilities Permit
H.M. Holloway Mines Disposal Site
SWIS # 15-AA-0308

ISSUING AGENCY:

Kern County Environmental Health Services Department
Local Enforcement Agency
2700 M Street, Suite 300
Bakersfield, CA 93301

DATE OF ISSUANCE:

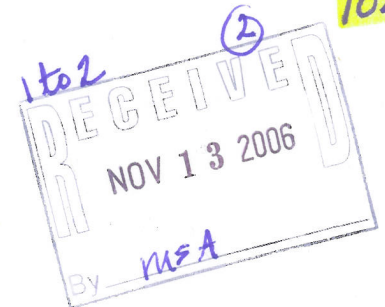
November 7, 2006

FINDINGS:

H.M. Holloway Mines Disposal Site ("landfill"), located at 13850 Holloway Road, Lost Hills, California, is owned and operated by H.M. Holloway Inc. ("Holloway") and has been active since 1994.

Kern County Environmental Health Services Department, as the Local Enforcement Agency ("LEA") for the California Integrated Waste Management Board ("CIWMB"), has found that the following conditions exist in the matter of the referenced facility:

1. On September 3, 1993, CIWMB issued a memorandum to the State Clearing House regarding a Negative Declaration to allow an approved reclamation plan authorizing non-hazardous materials from cogeneration plants (lime-cake, sulfur, and fly ash) to be used for reclamation purposes. The LEA required Holloway to apply for an exemption from a Solid Waste Facility Permit (SWFP) for the proposed project. CIWMB stated that if an exemption was unattainable and a SWFP became necessary, then complete compliance with the California Environmental Quality Act was required.



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2. On December 2, 1993, the LEA issued an exemption from a SWFP for the Holloway landfill.

An exemption was granted based on the following mandatory findings:

- The exemption was not against the public interest.
- The quantity of waste was insignificant.
- The nature of the solid wastes posed no significant threat to health, safety, or the environment.
- The project met exemption classification criteria as an unclassified waste management unit having Waste Discharge Requirements from a California Regional Quality Control Board.

3. Although approved initially by LEA and Kern County Planning Department for acceptance of three waste streams for reclamation purposes, the following waste streams have been added or proposed:

- Treated non-hazardous auto fluff
- Treated auto shredder waste
- Dewatered bentonite water well drilling mud
- Concrete and cement construction rubble
- Asphalt products (roofing shingles, used road base materials)
- Shredded automobile tires
- Shredded plastic products
- Certified reclaimed/treated soils
- Shredded glass
- Sewer sludge
- Sandblasting sand
- Chipped construction lumber

4. Based upon the existing and proposed waste streams, the LEA finds that Holloway landfill does not meet the requirements for an exemption to an SWFP and the current exemption status is no longer tenable. The LEA and CIWMB have advised Holloway of the following:

- A. On October 26, 1998, the LEA notified Holloway that the project was classified as an Industrial Solid Waste Disposal Facility and therefore subject to SWFP. The letter identified requirements to process an application for a SWFP.
- B. On November 31, 2005, the LEA issued an area of concern to Holloway citing Public Resources Code, Section 44004 – Significant Change in Operation without Approval.
- C. On March 17, 2006, the LEA issued a violation to Holloway for Public Resources Code Section 44002 - Operation of a solid waste facility without a SWFP and a violation for Public Resources Code Section 44004 - Significant Change in Operation without Approval.

- D. On April 14, 2006, the LEA issued a violation to Holloway for Public Resources Code Section 44002 - Operation of a solid waste facility without a SWFP and a violation for Public Resources Code Section 44004 - Significant Change in Operation without Approval.
- E. On June 14, 2006, the LEA issued a violation to Holloway for Public Resources Code Section 44002 - Operation of a solid waste facility without a SWFP and a violation for Public Resources Code Section 44004 - Significant Change in Operation without Approval.
- F. On July 18, 2006, the LEA issued a violation to Holloway for Public Resources Code Section 44002 - Operation of a solid waste facility without a SWFP and a violation for Public Resources Code Section 44004 - Significant Change in Operation without Approval.
- G. On August 17, 2006, the LEA issued a violation to Holloway for Public Resources Code Section 44002 - Operation of a solid waste facility without a SWFP and a violation for Public Resources Code Section 44004 - Significant Change in Operation without Approval.
- H. On September 28, 2006, the LEA issued a violation to Holloway for Public Resources Code Section 44002 - Operation of a solid waste facility without a SWFP and a violation for Public Resources Code Section 44004 - Significant Change in Operation without Approval.

Violation:

1. Holloway is in violation of Public Resources Code, Section 44002, *Operation of a solid waste facility without a Solid Waste Facilities Permit.*

THEREFORE, PURSUANT TO PUBLIC RESOURCES CODE SECTION 45000, YOU ARE ORDERED:

1. By January 2, 2007, submit a complete Revised Administrative Draft Environmental Impact Report (EIR) to support the development of an EIR by Kern County Planning Department, based on October 6, 2006 comments. You are expected to direct your environmental consultants to promptly respond to any revisions requested by the Planning Department for purposes of completing the EIR in compliance with the California Environmental Quality Act so that a land use permit for the acceptance of additional waste streams can be processed.
2. By April 2, 2007, submit a complete application package for a Solid Waste Facilities Permit to the LEA.

OR

3. By January 2, 2007, cease and desist the receipt of all wastes at the H.M. Holloway Mines Disposal Site.

Please Take Further Notice:

Failure to correct any of the above violations could result in a civil penalty not to exceed ten thousand dollars (\$10,000.00) for each day the violation occurs, as cited in Section 45023 of the Public Resources Code or in suspension or revocation of the SWFP as cited in Sections 44305 and 44306 of the Public Resources Code.

H.M. Holloway Inc. may also be subjected to a civil penalty, to be imposed administratively by the LEA, not to exceed five thousand dollars (\$5,000.00) for each day violations occur, as cited in the Public Resources Code, Section 45011, subsection (a).

The LEA will conduct a public hearing for rescission of the August 27, 1998, Exemption from a Solid Waste Facilities Permit if Holloway fails to comply with Notice and Order.

11/7/06
Date

Matthew Constantine
Matthew Constantine, Director
ENVIRONMENTAL HEALTH SERVICES DEPARTMENT

Right to Appeal

Be advised that the owner/operator to whom an enforcement order has been issued by the enforcement agency may appeal the contents of the order to the Solid Waste Independent Hearing Panel in accordance with Section 44310 et seq. of the Public Resources Code.

DECLARATION

I declare under penalty of perjury that the following is true and correct:

1. I am duly employed as a Registered Environmental Health Specialist of the Kern County Environmental Health Services Department.
2. I am informed and believe that the findings of Notice and Order 813-06-01 are correct. The basis of my information and belief is from personal observations during site inspections and from review of records of the H.M. Holloway Mines Disposal Site.

Executed at 2700 M Street, Suite 300, Bakersfield, CA 93301 on November 7, 2006

William O'Rullian 7. Nov 2006
William O'Rullian, Registered Environmental Health Specialist
Kern County Environmental Health Services Department